

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

RAFAEL DANIEL DE LA CRUZ) CIVIL ACTION NO: 21-cv-04053
JIMENEZ, #56269-004) SECTION: P
)
VERSUS) JUDGE CAIN
)
UNITED STATES OF AMERICA) MAGISTRATE JUDGE KAY
)
_____)

**UNITED STATES' MOTION TO DISMISS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)**

COMES NOW Defendant, the United States of America, by and through Brandon B. Brown, United States Attorney for the Western District of Louisiana, and Desiree C. Williams, Assistant United States Attorney, which respectfully moves this Court to dismiss the Plaintiff's First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1).

The grounds for this Motion to Dismiss are more particularly set forth in the accompanying Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

BRANDON B. BROWN
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2022, copies of the *Motion to Dismiss and Memorandum in Support thereof* were filed electronically with the Clerk of Court using the CM/ECF system. I also certify that I have mailed by United States Postal Service this filing to *pro se* Plaintiff, non-CM/ECF participant, as follows:

Rafael Daniel De La Cruz Jimenez, #56269-004
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s/ Desiree C. Williams
DESIREE C. WILLIAMS (#30978)
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